

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

William Boone,)	C/A No. 5:15-cv-3225 DCN KDW
)	
Plaintiff,)	<u>ORDER</u>
)	
vs.)	
)	
Willie J. Eagleton; Ms. Buchanan; and)	
Ms. Leak,)	
)	
Defendants.)	
_____)	

The above referenced case is before this court upon the magistrate judge's recommendation that the complaint be partially dismissed insofar as it seeks relief for any alleged threats or abusive language that one or more defendants used against plaintiff. It was further recommended that the complaint be partially dismissed to the extent that it seeks relief based on allegations of defendants' refusal to investigate an attack on another inmate or institute criminal charges against the alleged attacker. It was further recommended that the complaint be served on all three defendants with directions that they should only respond to allegations of unconstitutional retaliation against plaintiff by making threats about his being in serious physical danger and requiring him to work excessive hours under threat of disciplinary charges because he reported alleged misconduct of prison officials, ECF No. 1 at 3; ECF No. 1-2 at 5,7 and obstruction of plaintiff's attempts to utilize the prison administration remedy process.

This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend

for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).¹ **Objections to the magistrate judge's report and recommendation were timely filed on October 29, 2015.**

A de novo review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's Report and Recommendation is **AFFIRMED**, and the complaint is **PARTIALLY DISMISSED** insofar as it seeks relief for any alleged threats or abusive language that one or more defendants used against plaintiff.

IT IS FURTHER ORDERED the complaint is **PARTIALLY DISMISSED** to the extent that it seeks relief based on allegations of defendants' refusal to investigate an attack on another inmate or institute criminal charges against the alleged attacker.

IT IS FURTHER ORDERED that the complaint be served on all three defendants with directions that they should only respond to allegations of unconstitutional retaliation against plaintiff by making threats about his being in serious physical danger and requiring him to work excessive hours under threat of disciplinary charges because he reported alleged misconduct of

¹In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.

prison officials, ECF No. 1 at 3; ECF No. 1-2 at 5,7 and obstruction of plaintiff's attempts to utilize the prison administration remedy process.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'David C. Norton', written over a horizontal line.

David C. Norton
United States District Judge

November 5, 2015
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure